THE POCAHONTAS TIMES

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CALVIN W. PRICE, Editor.

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Huntersville road. In the course of these articles I had occasion to mention the firery duelists of Virginia following the Civil war, and the time Bierne came to West Virginia and drove about in a carriage with a colored driver, while Elam started out from Richmond in his two horse rockaway with another colored driver and drove about the country east of the Blue Ridge, each thirsting for the other's blood. The seconds were arranging a meeting, while the whole Republican-Readjuster party, in power in Virginia, were moving heaven and earth to prevent the meeting on account of the jeopardy in which it put Col. Elam, their great writer and editor.

Every sheriff, constable, and police officer in Virginia was charged to prevent the the duel, but that did not bothter them very much. Here is how it was mapped out. Bierne had all of West Virginia to manoeuvre in, and Elam had all of the Piedmont and Tidewater sections. Between the two stamping grounds was the broad Valley of Virginia, ready to furnish a meeting place.

The telegraphs were uncertain and the mail service slow and the combatants moved from place to place without cooling off. I am reminded now that the duel in which Elam was wounded actually took plice at New Hope in Augusta county, near the Rockingham line. At the time I lived within about twenty miles of the place but we never could get much of an account of the affair.

As I read about it now it was a magnificent affair, and it took all the territory of the two states to bring about the meeting.

After the war, when the confederacy was drinking the bitter dregs of defeat, it was not hard to stir up a battle. It was a period of hard whiskey drinking and the soldiers were brave. They clung to their ideals and their honor.

It was in the seventies, when my parents took us children and went to visit my maternal grandfather near Richmond. I was about two and a half years old, but I have some recollections of the event. My grandfather after working for most of his life in Brooklyn where he had some sort of a job with the Worthington pump works, got the land hunger, and bought a little farm with an old gray farm house near Richmond. Here he raised vegetables for the city market and had a hard time to make a living for his family, but hard times were fashionable at that period. Shortly before we came to his house, two young soldiers came up from the city before dawn with their seconds and their surgeons and fought a duel just at the break of day within a few yards of my grandfather's house. When we got there we were shown the place where McCarty killed Poindexter, and in the fight McCarty was badly wounded. That was dreadful ground to us. Both were confederate soldiers. They fell out over a young lady. Page McCarty was a sort of a hero in Richmond for some years. He was wounded and contracted consumption, and he became a sort of a menace to all the ruffling young blades who were seeking a fight. It seemed that while the others were seeking a fight Page McCarty was seeking death and was willing to discourage duelling as a retribution, by making that sport too dangerous to be indulged in. When a great politician was black balled in a certain club in Richmond, he was angered and declared that he would challenge the man who black balled him if he could find out who it was. "Tell him," said Page McCarty. "That I voted against him." It is said that this had the effect of putting a quietus on the affair at once. McCarty at that time was a physical wreck but a man of courage and one who was willing to bear the burden meant for another.

I think I could find the place of the McCarty Poindexter duel today if I took time, though I understand that it is now in the city limits.

It was the next year, I think, when my father brought the family to Marlins Bottom to visit his parents who were both sinking fast from bodily ailments. We had a visit here during the harvest season and after some weeks we started home. It was a hundred mile drive and it took five days. As we neared the top of the mountain beyond Huntersville, we met a party of men from Richmond, who had come to the mountains to hunt and fish. They knew my mother and they brought her the news that her father had died the week before which was the first intimation that she had had that he was even sick. It was a very sad time.

A little later, some years, the land owners of the county became excited over the effort that was being made to recover certain large tracts of land which had been sold for taxes, or which had become forfeited. They did not understand that the new state of West Virginia in a remarkable constitution adopted in 1872, had protected the diligent holder from those who would breathe the breath of life in titles as dead as Caesar. In fact highly intelligent lawyers from other states cannot seem to comprehend yet that a tax payer can laugh at the pretensions of those who have not paid taxes on what looks like a good title. One of my boyhood secrets was the knowledge of a corner tree on the Huntersville road which was a standing corner to the Wilson 44,000 acres. It was pointed out to me with the distinct understanding that under no circumstances was I to divulge the location of this corner. If I did it might happen that surveyors would come in. And foreigners would take away people's homes and their lands. This 44,000 acres lay between Marlinton and Dunmore reaching the whole distance. In after life I was to have much to do with the Wilson survey and title, and I have never had any trouble with it though I have worked it over in nearly all its acres. I know now that there never were any secrets about it, as the lines were freely called for in deeds, and that the titles were based on it. It was sold for taxes by the Marshall of the State of Virginia, at the time that Congress exercised its plain power of laying direct taxes on land. And the title passed away from the Wilson people whoever they were, because they did not think enough of their land to pay the few dollars assessed against it. The Seneca Forest, the State park, is largely on it. But we had gone through awar in which we considered that we had the Lord and the law with us, and had lost unaccountably and perhaps we were a little shaken in our confidence in the law and in Providence.

There was one hot fighter from the north, who was particularly obnoxious to the southrons, and that was the famous General Benjamin F. Butler. Claverhouse in Scotland was no more hated by the Covenanters than Butler by all the gentry of the fair Southland. And then the word came that Gen. Butler had acquired the Wilson title, and that our cake was dough.

Word came that a surveying party was about to arrive and it was true. I never could tell why they wanted to survey it, but probably they were pulling the good general's leg, and were anxious to make out some sort of an expense bill to show their activity.

The calls are public records and a school boy could draw a map of the land in an hour or two. They must have figured out that if they ran a line around it that they could convince a prospective buyer by giving him a description of the mountains and streams and the character of the soil. But one fine day they came. A lawyer or two, and a surveyor and some chain carriers, and a flag man, and they went up the Browns creek road and came to the ford at Thorny Creek. At this place a beautiful stream comes down meandering through the meadows and flows across the road, at a place where there is a patch of green sod. It was a lovely day. The sun shone bright. The birds sang. The fish played in the water. Beautiful weather and a beautiful place.

The surveyor called a halt. He set his compass by the running brook. He sighted through the slot. And then hell broke loose. From a near by mountain side a volley was fired from rifles. The first shots splashed water over the surveying party. Then bullets clipped splinters from the rail fence. And presently a bullet landed smack on top of the compass, breaking it to bits. Then the surveying party fled and they have never been back since. That occurred something like fifty years ago. There never was any suit about the land, and no effort was made to indict the riflemen. If my memory serves me right, Count Stofer, the prosecuting attorney of the county, was a member of the surveying party.

Whoever it was that attempted to survey the old title was not very well advised. How in the Sam Hill could a suit be maintained when the claimant had not paid taxes for seventy or eighty years? There are a few words that are like what the darkey complained of; "You says words, but they don't mean nothing to me." So when we tell the visiting counsellor that in West Virginia the forfeiture for the failure to pay taxes inures to the benefit of the diligent tax payer, he does not get it. Inures to the benefit. That is the hard part of the doctrine. Those are the words and the bright idea of the founders that brought peace and prosperity to West Virginia.

In 1822, the first county court provided for the upkeep of a section of road leading from the east bank of Greenbrier river, at the ford at the mouth of Price run, to where the road forked in Huntersville, one branch going on to Warm Springs and the other to Dunmore and points beyond towards the Upper Tract. Robert Moore was appointed surveyor to use the tithables who had been under the supervision of William Poage, Jr., and also to work the hands that had been working under Samuel Gay and the road was to be kept in repair as it had been up to that time.

That first year there were 427 tithables in the new county of Pocahontas, that is men who were liable to a head tax. They were to pay $2.17 1-2 each, an enormous tax for the county was facing the expense of building a new court house and jail. So they levied to raise $950.47.

The budget was made up as follows

For county salaries	129 92
For 18 wolf scalps at $4 each	72 00
For roads	5 50
For supplies for county clerk's office including a deed book	20 00
For removing and rebuilding the temporary court house	30 00
For new public buildings	655 00
And for a deposit to meet unexpected demands and to take care of the delinquent list	37 55
	950 45

Those were the days of small beginnings. There was not much margin between wealth and poverty. It is agreed that there were giants in those days and that they laid the foundation for the greatness of America. Now we have reached the point where much money is given the teller for the purpose of taking it away from him. The rich people and the political economist found that the laboring man could be trusted to spend it all.

A little later in the world's history there were covered bridges on this road. Virginia went wild on building good roads. A part of the swag resulted in a great covered bridge across the Greenbrier River at Marlins Bottom. It was a Chenoweth bridge. Chenoweth was from Randolph county. He figured out a bridge that could be built from hewn timbers. He had no engineering department and he did not find it easy to get a contract from the state road commission. He constructed a model and carried it to Richmond with him and there he went before the commission. He placed his model on two chairs and stood on it. After that he got numerous contracts.

There was another covered bridge earlier than this one at the Curry arch above Huntersville. That bridge went out in a big flood. On the night of the flood two young men were going home from a festive night at the county seat, and when they came near the bridge one bantered the other for a foot race. They ran through the bridge and some of the planks were gone from the big flood in the creek. One of the men plunged into the water and was drowned and the other stopped in time. Then the question arose: Did the survivor know that the planks were gone? It is a censorious and a suspicious world.

There was another covered bridge built on the Dunmore road that crossed the creek opposite the old jail and went through the farm now owned by George Ginger. It was a great enterprise. The whole county was interested. A road in the shape of a rainbow was built around the mountain from the Buzzard farm to the Ginger farm. One side, a cliff was used as an abutment. The other was masonry with an approach. It was nearing completion in May, 1889, when the Johnstown flood came and destroyed the man made abutment, and the bridge was left balancing on one corner of the stone work. Then they moved it up to where an open bridge is now.

I was bothered a good deal a year ago by an esthetic up north who was writing a book on covered bridges. The subject did not appeal to me, for in the old days of the horse, a covered bridge was about the most unsavory place that could be devised and when I think of the covered bridge it is with loathing. It would not be so bad now with the automobile, but in those days a covered bridge was no sweet scented flower bed. We got so tired of the one at Marlinton, that we hailed the day with delight when it was declared to be unsafe and the county court hewed it down, before the engineer could change his mind. Then he got the concrete bridge, just before the war, and a mighty good bridge it is, only we are still using the narrow approaches that went with the old bridge. It is like a man who had had the enterprise to buy himself a pair of shoes but cannot manage to get a pair of shoe strings to use with them. These approaches do not have to be torn down. They need widening four feet and that on the down stream side, so it would be a matter of slight expense to put the bridge in good order for the heavy traffic that uses it.

In the old days, when the world and I were young, the cows used to sleep in old bridge at times. At one harvest time there was a vain young man who was a great athlete. One night he and some other boys came to the bridge. One of them knew that a cow lay on the foot path on the upper side of the bridge. A foot race was arranged and the great racer was given the cow side. It was just a hundred yards through the tunnel, and dark as the inside of Jonah's whale. The race started. The old cow woke up, and started to rise. The young fellow ran right on her head and had the breath knocked out of him and he was a long time coming back to life. And the cow was a muley. Muley cows in that day and time were as scarce as hen's teeth. If it had been a horned animal, the consequences would have been very serious.

The river bridge used to have toll on it. It was a subject of much dispute. A rich farmer was agrieved. He was called upon to pay toll one day and insisted on paying ten cents with a twenty dollar bill, but when the toll gate keeper proceeded to give him his change mostly in pennies, the tax payer weakened and produced the right amount. When they took the toll off there was much rejoicing in the new town.

As the feller said: I pity the man who considers the way from Dan to Beersheba barren.

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T. J. Linton

Burke, Va.

For Sale

1 good range stove, 1 dining table, 6 dining chairs, 1 fine dresser, 1 lot cooking utensils, 1 lot canned fruit and vegetables, many other things that go with keeping house. Will sell on time for note with approved security and sell cheap. Apply to L. L. Kisner or Glen Varner, Nottingham, W. Va.

Auction Sale

I will offer for sale at public auction, at my place on Beaver Creek, on Saturday, January 28 1928, the following household and kitchen furniture:—1 cook stove, 1 bedstead and bedding, 1 sewing machine, 1 lot canned fruit, 1 lot crockery, chairs, tables, etc.

Terms: All sums under $10 cash; over that amount four months time, purchaser giving note with interest and security.

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From stock tested free from White Diarrhea by State Department of Agriculture. Parks bred to lay Barred Rocks, Tancreds S C White Leghorns, and S C R. I. Reds.

All males pedigreed. Order now and be sure of chicks on date wanted 100 per cent live delivery by prepaid parcel post. Write, phone or call at farm. Circulars and price list free.

OAK CREST POULTRY FARM

Mill Point, W. Va.

Hound Lost

A medium sized hound dog has been missing two weeks. White with brown spots; has a white ear. Answer to name of "White Ear". Please notify E. M. Smith, Edray, W. Va.

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POCAHONTAS COUNTY NATIONAL FARM LOAN ASSOCIATION

Order of Publication

STATE OF WEST VIRGINIA

At rules held in the office of the Clerk of the Circuit Court of Pocahontas County, West Virginia, on the first Monday in the month of January, 1928.

Earl A. Landis Plaintiff

vs In Chancery

Leila O. Landis Defendant

The object of the above entitled suit is to set aside a decree between the same parties entered June 1st, 1926, to obtain divorce from the bonds of matrimony, by the plaintiff from the defendant, and for general relief.

This day came the plaintiff, by his attorney, and on his motion, and it appearing by affidavit filed in this cause that the defendant, Leila O. Landis, is a non-resident of the State of West Virginia, it is ordered that she do appear here within one month from the date of the first publication hereof and do what is necessary to protect her interests in this suit.

Teste.

D. C. ADKISON, Clerk.

N. C. McNeil, Sol.

Order of Publication

WEST VIRGINIA

At Rules held in the office of the Clerk of the Circuit Court of Pocahontas County, West Virginia, on the first Monday in the month of January, 1928.

BANK OF MARLINTON, a corporation, chartered and existing under the laws of the State of West Virginia.....Plaintiff

Vs: In Chancery

C. Y. Ligon, Osa F. Ligon, Union Trust Company, a corporation, Trustee, Virginia Joint Stock Land Bank of Charleston, a corporation, L. M. McClintic, Trustee, and First National Bank of Marlinton, a corporation.....Defendants

The object of this suit is to attach and subject to the claim of the plaintiff sufficient to pay the sum of $2008.64, and interest and costs, the estate of the defendants, C. Y. Ligon and Osa F. Ligon, found within the jurisdiction of this Court and for general relief.

This day came the plaintiff, by its attorney, and upon his motion, and it appearing by affidavit filed in this cause that the defendants, C. Y. Ligon and Osa F. Ligon, are non-residents of the State of West Virginia, it is ordered that they do appear here within one month from the date of the first publication hereof and do what is necessary to protect their interests in this suit.

Teste:

D. C. ADISON, Clerk. K

Andrew Price, Lol.

Garage For Sale

The corner garage in the town of Greenbank including tools. This is a very desirable location on State High way No 42. Price and terms reasonable and right.

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FOR SALE

1 rug or carpet loom. For information see Carey Davis, House 20, Upper Tannery, Marlinton, W. Va.

Fiduciary Notice

The accounts of W. H. Barlow, Sheriff of Pocahontas County and as such administrator of the estate of Aaron Thomas, deceased, are before the undersigned Commissioner of Accounts for settlement. And all persons who have claims against said estate are notified to present the same properly proven either to the said Administrator or to the Commissioner on or before the

9th day of February, 1928,

for the purpose of making a pro rata distribution of the balance of the fund in his hands to the several creditors.

Given under my hand this the 9th day of January, 1928.

T. S. McNEEL,
Commissioner

Administrator's Notice

Notice is hereby given to all persons having claims against the estate of Mrs. C. E. Underwood to present the same proven according to law to the undersigned administrator at his office, Huntersville, W. Va. All persons owing said estate will prepare to settle at once.

This 27th of December, 1927.

Moses Underwood
Administrator estate of Mrs. C. E. Underwood, deceased.

Capitation and Dog Tax Due

The Assessor and his Deputies are beginning their assessment for 1928, and every man over twenty-one years of age will have his $2.00 capitation tax, and if you have a dog, $1.00 for a male and $2.00 for a female, when we call on you. Please be ready to pay these taxes.

ELMER MOORE,
Assessor

A. P. EDGAR
Attorney-at-Law,
Marlinton, W. Va.
Courts: Pocahontas and adjoining counties and the Supreme Court of Appeals.

F. RAYMOND HILL,
Attorney-at-Law,
Marlinton, W. Va.
Will practice in the courts of Pocahontas and Greenbrier counties, and in the Supreme Court of Appeals of West Virginia.

ANDREW PRICE
Attorney-at-Law
Marlinton, W. Va

P. T. WARD
ATTORNEY-AT-LAW
Marlinton, W. Va

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NOTICE

Of Dissolution of Partnership:

I have sold my interest in the firm of J. S. and J. D. Mace to J. S. Mace who will collect all accounts and settle all bills against said firm.

J. D. MACE,
Mace, W. Va.

Notice

Is hereby given to all the stockholders and renters of the Marlinton and Clover Lick Mutual Telephone Co. to settle up their accounts in full within ten days, or they will be handed over to a justice for collection, as it takes money to run business.

Mrs. J. W. Deputy, Asst. Sec.

NOTICE

Is hereby given to all persons who have clothes at my residence in Durbin, must come forward and get them on or before the first of March. If not taken they will be sold.

Mrs. J. H. Allen,
Durbin, W. Va.

FIDUCIARY NOTICE

The account of W. H. Barlow, administrator of the estate of Philip Kramer, deceased, are before the undersigned Commissioner of Accounts for settlement.

T. S. McNEEL
Commissioner

RADIO REPAIRING

Repair and overhaul all makes of radio sets. Leave your radio at this office or call Times office.

J. Paul Sheffield